

## REMARKS

Claims 1, 3-7, 9, 10, and 12 are pending in the present application as claims 2, 6, 8, 11, and 13-15 have been previously cancelled. In the above amendments, claims 1, 4, 5, 7, 10 and 12 have been amended. Therefore, after entry of the above amendments, claims 1, 3-5, 7, 9, 10, and 12 will be pending in this application. Applicants believe that the present application is now in condition for allowance, which prompt and favorable action is respectfully requested.

### *Claim Amendments*

The Applicants have amended the claims to place them in better form for appeal.

In particular, the Applicants have amended the claims mainly to correct minor stylistic formalities. For example, claims 1, 4, 5, 7, 10 and 12 have been amended merely to provide consistent usage of the term “the” for purposes of indicating antecedent basis, as opposed to the prior usage of both the term “said” and the term “the.”

Additionally, claim 7 has been amended to correct a typographical error. In particular, the phrase “wherein the selected information is displayed as a sequential list that scrolls in response to a change in the current time of day information” in the last two lines of the claim was deleted, as this phrase exactly repeats the recited language in lines 8-10 of the claim.

The Applicants submit that since these claim amendments are merely for stylistic purposes, or to correct an obvious typographical error, that these amendments are not related to patentability.

Further, the Applicants submit that these amendments do not raise any new issues, and do not recite any new matter.

Thus, the Applicants respectfully request the Examiner to enter the amendment.

***Rejection under 35 USC § 112, first paragraph***

The Examiner has rejected claims 1, 5, 7 and 12 under 35 USC § 112, first paragraph, as failing to comply with the written description requirement with respect to the phrase “non-textual format.” The Applicants respectfully traverse this rejection.

The Applicants submit that subject matter relating to the recited “non-textual format” is discussed throughout the specification in a manner to enable any person skilled in the art to make and use the same. For example, the specification describes that:

the processor P provides an automatic scrolling of the characters shown on the display so that an appointment or time corresponding to the current time of day remains in view as the time of day progresses. The current time of day is indicated by an arrow ‘>’ to the left of the time column in the display; hence, Figure 3 shows the daily schedule display at 11 am. Figure 4 shows the daily schedule display at 4:30 pm on the same day . . . as the current time is intermediate the displayed times ‘16:00’ and ‘17:00’, the arrow ‘>’ is positioned between these two displayed times.<sup>1</sup>

Based on this disclosure, the Applicants submit that one skilled in the art would recognize that the description of “the current time of day . . . indicated by an arrow ‘>’ ” in combination with illustration of this subject matter in Figs. 3 and 4 would reasonably convey, to one skilled in the relevant art, the subject matter claimed by the language “current time of day information . . . displayed in a graphical and non-textual format by a positional indicator.”

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<sup>1</sup> Specification, page 4, lines 8-18; and Figs. 3 and 4.

Furthermore, in addition to the above remarks, the Applicants submit that the Examiner has not presented a *prima facie* rejection under 35 USC § 112, first paragraph. The Examiner has the initial burden of presenting by a preponderance of evidence why a person skilled in the art would not recognize in Applicant's disclosure a description of the invention defined by the claims. By merely stating a conclusion, the Examiner has failed to meet this burden. The Examiner has failed to provide reasons why persons skilled in the art would not have recognized that the inventor was in possession of the invention as claimed in view of the above noted disclosure. Thus, the Examiner has omitted one or more essential elements needed for a *prima facie* rejection under 35 USC § 112, first paragraph.

Therefore, based on the above remarks, the Applicants respectfully request that the Examiner withdraw the rejection of claims 1, 5, 7 and 12 under 35 USC § 112, first paragraph, as failing to comply with the written description requirement.

***Rejection under 35 USC § 103(a)***

The Examiner has rejected claims 1, 3-5, 7, 9-10 and 12 under 35 USC § 103(a) as being obvious over US Patent No. 5,128,981 to Tsukamoto et al. ("Tsukamoto") in view of US Patent No. 5,936,625 to Kahl et al. ("Kahl"). The Applicants respectfully traverse this rejection.

With respect to independent claims 1 and 7, Tsukamoto and Kahl, in any combination, do not disclose or suggest a mobile communications terminal or a method for displaying schedule information wherein the "selected information is displayed as a sequential list that scrolls in response to a change in the current time of day information,

and the current time of day information is displayed in a graphical and non-textual format by a positional indicator shown relative to the sequential list.”

The Examiner alleges that Tsukamoto discloses the recited subject matter of “the current time of day information is displayed in a graphical and non-textual format by a positional indicator shown relative to the sequential list” in Fig. 11, however, the Applicants submit that this assertion is erroneous. Tsukamoto does not disclose or suggest any display of the current time of day information. For example, in Fig. 11 of Tsukamoto, the left hand column represents a “time zone” of a respective “schedule.”<sup>2</sup> As such, rather than displaying a “current time of day,” the system of Tsukamoto merely displays a “time zone,” which is a time that relates to a “schedule.” The “time zone” of Tsukamoto is not the “current time of day,” as recited by the present claims. Thus, Tsukamoto does not disclose or suggest displaying the recited “current time of day information.”

Alternatively, or in addition, Tsukamoto does not disclose or suggest “current time of day information . . . displayed in a graphical and non-textual format,” as recited by these claims. The only time entries displayed by Tsukamoto, which are times associated with schedules (i.e. *not* the current time), are displayed in a textual format, i.e. in a format such as “9:00.” In contrast, the claims recite displaying the “current time of day” in a “graphical and non-textual format.” Applicants direct the Examiner to the present Figs. 3 and 4, where in one non-limiting example, the display of current time of day in a graphical and non-textual format is “indicated by an arrow ‘>.’” Thus, Tsukamoto does not disclose or suggest the display of current time of day in a graphical and non-textual format, as recited by the present claims.

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<sup>2</sup> Tsukamoto, col. 14, lines 52-53 and 60-64; and Fig. 11.

Alternatively, or in addition, Tsukamoto does not disclose or suggest “current time of day information . . . displayed by a positional indicator shown relative to the sequential list,” as recited by these claims. Again, Tsukamoto displays time entries for schedules in a textual format, not by using “a positional indicator,” as recited by the claims. Further, Tsukamoto does not disclose or suggest a display of the current time of day shown relative to a sequential list. Thus, Tsukamoto does not disclose or suggest “current time of day information . . . displayed by a positional indicator shown relative to the sequential list,” as recited by these claims.

Therefore, in summary, Tsukamoto does not disclose or suggest a mobile communications terminal or a method for displaying schedule information wherein the “selected information is displayed as a sequential list that scrolls in response to a change in the current time of day information, and the current time of day information is displayed in a graphical and non-textual format by a positional indicator shown relative to the sequential list,” as recited by these claims.

The addition of Kahl does not make up for the deficiencies of Tsukamoto. In fact, Kahl has all of the above-discussed deficiencies of Tsukamoto. In particular, Kahl does not disclose or suggest any display of the current time of day information, as recited by the claims. Instead, similar to Tsukamoto, Kahl only displays a start time or time range associated with an event.<sup>3</sup> These event-related times are not a display of the current time of day. Thus, Kahl does not disclose or suggest the display of current time of day information.

Alternatively, or in addition, Kahl does not disclose or suggest “current time of day information . . . displayed in a graphical and non-textual format,” as recited by these

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<sup>3</sup> Kahl, col. 2, lines 49-51; col. 3, lines 1-8; and Fig. 2.

claims. Similar to Tsukamoto, Kahl only discloses a display of time entries for events (i.e. *not* the current time), and these entries are only disclosed as being displayed in a textual format, such as “9:00.” Thus, Kahl does not disclose or suggest “current time of day information . . . displayed in a graphical and non-textual format,” as recited by these claims.

Alternatively, or in addition, Kahl does not disclose or suggest “current time of day information . . . displayed by a positional indicator shown relative to said sequential list,” as recited by these claims. Again, without any disclosure or suggestion of displaying the current time, or without any disclosure or suggestion of displaying the current time in a graphical and non-textual format, Kahl cannot disclose or suggest this subject matter. Further, Kahl is absent of any teaching of displaying the current time by using a positional indicator. Thus, Kahl does not disclose or suggest “current time of day information . . . displayed by a positional indicator shown relative to said sequential list,” as recited by these claims.

Therefore, in summary, Kahl does not disclose or suggest a mobile communications terminal or a method for displaying schedule information wherein the “selected information is displayed as a sequential list that scrolls in response to a change in the current time of day information, and the current time of day information is displayed in a graphical and non-textual format by a positional indicator shown relative to the sequential list,” as recited by these claims.

Thus, based on the above remarks, Kahl does not make up for the deficiencies of Tsukamoto, and claims 1 and 7 are patentable over any combination of Tsukamoto and Kahl. Additionally, and for the same reasons, claims 3-4 and 9-10 are patentable over

any combination of Tsukamoto and Kahl, as these claims depend from either claim 1 or claim 7.

For similar reasons, claims 5 and 12 are also patentable over any combination Tsukamoto and Kahl. In particular, Tsukamoto and Kahl, in any combination, do not disclose or suggest a mobile communication terminal or a method of displaying schedule data comprising “displaying a time of day indicator associated with one of the at least two scheduled data . . . wherein the time of day indicator is graphical and non-textual, and a position of the time of day indicator relative to the one of the at least two displayed schedule data is variable in accordance with the current time of day information and the duration of the one of the at least two displayed schedule data,” as recited by these claims. The deficiencies of both Tsukamoto and Kahl are documented in detail above. In particular, for the reasons discussed above, Tsukamoto and Kahl do not disclose or suggest: “displaying a time of day indicator;” and/or “wherein the time of day indicator is graphical and non-textual;” and/or “wherein . . . a position of the time of day indicator relative to one of the at least two displayed schedule data is variable in accordance with the current time of day information and the duration of the one of the at least two displayed schedule data.” Thus, claims 5 and 12 are patentable over any combination of Tsukamoto and Kahl.

Therefore, based on the above remarks, the Applicants respectfully request the Examiner to withdraw the rejection of claims 1, 3-5, 7, 9-10 and 12 under 35 USC § 103(a) as being obvious over Tsukamoto in view of Kahl.

**CONCLUSION**

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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